

August 12, 2014

A regular meeting of the Council of the Town of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., August 12, 2014.

Members present: Mayor Robert T Wandrei; Councilman Robert D. Carson; Councilman Stacey L. Hailey; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman W. D. Tharp; and Vice Mayor James A. Vest

Members absent: None

Staff present: Town Manager Charles P. Kolakowski; Town Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Wandrei opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Wandrei declared that the minutes of a regular Council meeting held on July 22, 2014, were approved as distributed.

Town Manager Kolakowski reported on the following:

- Groundbreaking for Oakwood Villas will be held August 15 at 11:00 a.m.

Mayor Wandrei recognized Brenda Johnson and Charlie Nelms upon their retirement from the Town. The Mayor gave each a gift and the Chief of Police presented a plaque to Ms. Johnson.

Mr. Kolakowski said the staff has been doing a lot of research into the solid waste situation and the recycling situation. The Town Manager said the staff is putting together a number of proposals for consideration and recommended that a Solid Waste Committee meeting be held within the next two weeks in order to discuss the proposals that are being formulated.

The Clerk of Council read aloud the following Public Hearing Notice:

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that Town Council of the Town of Bedford, Virginia, will hold a public hearing pursuant to Virginia Code Section 15.2-1800 concerning a proposed four-year lease to the Bedford Area Chamber of Commerce, Inc., of the building and lot at 305 East Main Street, Bedford, Virginia, to be held in the Council Chambers of the Town Municipal Building, 215 E. Main Street, Bedford, Virginia, on August 12, 2014, at 7:00 P.M.

A copy of the proposed Lease is on file and available for inspection in the office of the Town Manager at 215 E. Main Street, Bedford, Virginia. Any person interested in the Lease may appear at the public hearing and present his or her views.

By the Authority of the Town Council

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The Mayor opened the public hearing at 7:07 p.m.

Susan Martin, President and CEO of the Bedford Area Chamber of Commerce, thanked Council for its consideration of the renewal of the lease and also thanked Council for its support for the past 40 years that the Chamber has occupied that building as the main office for the Chamber.

As there were no further comments, the Mayor closed the public hearing at 7:08 p.m.

The Consent Agenda consisted of the following item:

Request to Block Streets – Bedford Main Street, Inc.

“Centerfest” 2014

Bedford Main Street, Inc. is requesting that Council authorize blocking the following streets for “Centerfest” 2014 on Saturday, September 27<sup>th</sup>

- East Main Street from Otey Street to Bridge Street
- West Main Street from Bridge Street to Ballard Street
- South Street from Main Street to Washington Street
- Court Street from Main to Plunkett Street
- South Bridge Street from Main to Washington
- North Bridge Street from Main to the Town lot south of Railroad Bridge
- West Depot Street from North Bridge Street to Ballard Street, Market Square (all)
- East Depot Street to Court Street

The request is to close the above streets on Saturday, September 27<sup>th</sup> from 5:00 a.m. until 6:15 p.m. In addition it is requested that Center Street be closed from 6:00 p.m. until 8:00 p.m., as they will have a concert occurring in the Farmers Market during that time.

Bedford Main Street, Inc. has current liability insurance and will provide the Town with a copy of the policy. Bedford Main Street will notify affected businesses, as well as the Police Department, Fire Department and Rescue Squad. Town Council is requested to grant permission to block the above streets for “Centerfest” 2014 on September 27, 2014.

On motion by Councilman Rush, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council approved the request to block the above listed streets for “Centerfest” 2014 on September 27, 2014. Roll call vote follows:

Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Mayor Wandrei	aye

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Town Manager Kolakowski said the Chamber of Commerce building and the adjacent parking areas are located on real estate owned by the Town. These properties have been leased to the Chamber since August, 1973, under a series of leases. The last lease, dated October 11, 2005 for a term of 5 years terminated on December 31, 2010.

The Town Manager, who under the lease serves as an ex-officio member of the Chamber Board, recommends that the Council approve a new lease of five years commencing on September 1, 2014, with the same terms as are found in the existing lease. The Town Council is required under State law to hold a public hearing upon any leasing of public property; leases of five years or less do not require a bidding procedure. A Notice of a Public Hearing on August 12, 2014, was published in one edition of the Bedford Bulletin on July 30, 2014 in accordance with State legislation concerning the leasing of public property. Mr. Kolakowski recommended that the Town Council approve execution of a new lease with the Chamber of Commerce building and the parking areas around it for a period of 5 years beginning July 1, 2014.

Town Manager Kolakowski noted a typo on page 7 of the lease agreement that will be corrected in the final agreement.

Councilman Stanley moved that the lease agreement be approved with the correction. Councilman Stanley seconded the motion. After a brief discussion, the motion was voted upon by a roll call vote and carried unanimously as follows:

Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Carson	aye
Mayor Wandrei	aye

The Town Manager said it becomes necessary from time to time for the Town of Bedford to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and under highway systems of the Commonwealth of Virginia. The Town currently has a Surety Bond for \$10,000 approved by City Council Resolution dated February 28, 1984. Mr. Kolakowski stated that while the \$10,000 may be adequate for some activities, it is not in line with the current standard for town or county resolutions. The Virginia Department of Transportation is asking that the Town of Bedford update their Surety Bond amount to be in line with other localities. Council was requested to adopt the Resolution updating the current Surety Bond amount to meet the Virginia Department of Transportation requirements and be more in line with other localities.

On motion by Vice Mayor Vest, seconded by Councilman Rush, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Councilman Rush	aye
Councilman Stanley	aye

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Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Carson	aye
Councilman Hailey	aye
Mayor Wandrei	aye

The resolution follows as adopted:

## **RESOLUTION**

**WHEREAS**, it becomes necessary from time to time for the Town of Bedford to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

**WHEREAS**, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the Town of Bedford by the Virginia Department of Transportation of said permits for the work aforesaid;

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Bedford Town Council this 12th day of August, 2014:

**Section 1:** That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the Town of Bedford does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Bedford and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

**Section 2:** That the Town Mayor, or their designee, be, and hereby is authorized to execute on behalf of the Town of Bedford all land use permits and related documents of the Virginia Department of Transportation.

**Section 3:** That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any

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proposed revocation be submitted to the Virginia Department of Transportation.

**Section 4:** That the Town of Bedford shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

**BE IT FURTHER RESOLVED** that the Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

Town Manager Kolakowski said that in 1989, funding from the Virginia Department of Transportation (VDOT) was combined with local funding and designated into a restricted account for road work to be done on A-1 Alternate (now referred to as Independence Boulevard). After work was completed there was a remaining amount left in the A-1 Alternate account which was moved into a Passbook Savings Account. Mr. Kolakowski said that savings account has now accumulated to \$44,404.65 with applied interest. Staff is requesting that restricted savings account be closed and the \$44,404.65 moved to the General Fund Operating Bank Account to be used for road work on and around Independence Boulevard. Town Council is requested to approve the transfer of the A-1 Alternate Savings Account funds to the General Fund Operating Bank Account.

On motion by Councilman Rush, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council approved the transfer of the A-1 Alternate Savings Account funds to the General Fund Operating Bank Account.

Councilman Stanley	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Mayor Wandrei	aye

Mayor Wandrei adjourned the meeting at 7:18 p.m.